

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket 07-114
)	

**NON-NATIONWIDE CARRIER E911 LOCATION ACCURACY
INITIAL IMPLEMENTATION PLAN AND PROGRESS REPORT**

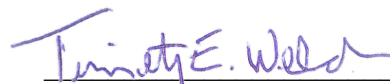
Blanca Telephone Company (“Reporter”), a non-nationwide carrier, by its attorney, and pursuant to 47 C.F.R. § 20.18(i)(4)(i) and § 20.18(i)(4)(ii), hereby submits its initial E911 location accuracy implementation plan and its first report regarding progress toward implementation of the indoor location accuracy requirements specified at 47 C.F.R. § 20.18(i)(2).¹ In support whereof, the following is respectfully submitted:

On June 2, 2017 Reporter filed a waiver request to be excused from the E911 implementation and reporting requirements because it has discontinued operation pending resolution of various regulatory matters (copy attached). Because Reporter is not currently providing wireless service, Reporter has no implementation plan or progress to report at this time.

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welchlaw@earthlink.net

August 3, 2017

Respectfully submitted,
BLANCA TELEPHONE COMPANY



Timothy E. Welch
Attorney for Reporter

¹ The second progress is due one year after submission of the instant report.

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1 **Filing** 2 **Review** 3 **Confirmation**

Proceeding:	07-114, 96-45
Confirmation #:	2017060271240396
Submitted:	Jun 2, 2017 10:14:08 AM
Status:	RECEIVED
Name(s) of Filer(s)	Blanca Telephone Company
Law Firm(s)	Hill & Welch
Attorney/Author Name(s)	Timothy E. Welch
Primary Contact Email	welchlaw@earthlink.net
Type of Filing	WAIVER
File Number	
Report Number	
Bureau ID Number	
Address of	Law Firm
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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Blanca Telephone Company)	
)	
Discontinuance of Service of Cellular Stations)	PS Docket No. 07-114
KNKQ427 & KNKR288 in Conejos and Costilla)	CC Docket No. 96-45
Counties in Colorado – Request for Various Rule)	
Waivers Including Automatic License Cancellation,)	
Wireless E911 Service, Measuring, Reporting, and)	
Certification Requirements)	

**REQUESTS FOR EXTENSIONS OF TIME
OR ALTERNATIVELY
REQUESTS FOR TEMPORARY RULE WAIVERS**

Blanca Telephone Company (FRN 0003766201) (“Petitioner”), by its attorney, and pursuant to 47 C.F.R. § 1.913(a)(1)¹ and §§ 1.3 and 1.925, hereby seeks extensions of time to comply with, or alternatively temporary waivers of, various rules relating to the provision of CMRS services including the automatic CMRS license termination rule relating to service discontinuation and the E911 emergency service rules found at 47 C.F.R. § 20.18. In support whereof, the following is respectfully submitted:

Background

Petitioner is a non-nationwide, rural carrier previously serving rural areas in Conejos and Costilla Counties in the Southern portion of the State of Colorado. On March 30, 2017 Petitioner

¹ Please note that Petitioner was unable to file an extension of time application in the ULS on FCC Form 601 regarding extension of the six month Phase I and Phase II E911 construction deadlines specified at 47 C.F.R. § 20.18(d)(1) (Phase I) and 47 C.F.R. § 20.18(f), (g)(2) (Phase II). The ULS does not appear to be set up to accept extensions of E911 construction deadlines.

informed the Commission “that as a result of a combination of events, as of March 28, 2017 Blanca ceased providing service over its Part 22 cellular stations KNKQ427 and KNKR288.” *See* Second Motion for Leave to Supplement Emergency Application for Review and Notice of Discontinuation of KNKQ427/KNKR288 Cellular Service filed March 30, 2017 (Attachment 1 hereto). Petitioner timely notified its subscribers and the affected PSAP of the planned service discontinuation prior to actual service discontinuation – each notification occurred at least two months prior to service discontinuation. *See* January 27, 2017 email from Alan Wehe, President Blanca Telephone Company to Pamela Stewart (Attachment 2–Mr. Wehe’s January 27 email includes a copy of one of Petitioner’s subscriber notices as an attachment–Petitioner sent at least two notices to subscribers).

Justification for Extensions of Time and/or Rule Waivers

Petitioner’s March 30, 2017 Notice of Discontinuation discusses several circumstances beyond Petitioner’s control which led to service discontinuation including: 1) the Commission’s unpublished decision in or around 2013 to cease providing USF funding for Petitioner’s cellular system effective as of 2011;² 2) on December 14, 2016 the pertinent PSAP demanded E911 services even though the PSAP understood that Petitioner’s cellular system would not support the capital outlay required to install the E911 service assets;³ and 3) Verizon obstructed Petitioner’s effort to assign the subject cellular licenses to a neighboring cellular partnership which had the financial ability to operate the cellular system and install the E911 service requested by the PSAP.

² In 2013 Petitioner returned approximately \$1 million in USF funding to the Commission to settle the USF accounting matter.

³ The PSAP’s December 14, 2016 E911 service demand letter can be found at Attachment 1, page 9 of 17. The PSAP’s December 14 letter indicates that the E911 service should be provided within 6 months of the request, that is, by June 14, 2017. Petitioner seeks an extension of time and/or waiver of all portions of 47 C.F.R. § 20.18 including the Phase I and Phase II six month deployment requirement and the indoor location requirement and the associated location measuring, reporting, and certification requirements.

Various Commission rules and cases have long held that licensees may seek extensions of time or rule waivers due to circumstances beyond their control. 47 C.F.R. § 1.946(e)(1) (extensions of time for causes beyond the licensees control); *In the Matter of Request of Progeny LMS, LLC for Waiver and Limited Extension of Time*, 2017 FCC LEXIS 167 ¶ 26 (Mobility Div. 2017) (licensees confronting time obstacles may seek extensions of construction time or rule waivers); *T-Mobile License, LLC*, 31 FCC Rcd. 13379, 13383 (Mobility Div. 2016) (waiver grant does not require a finding of circumstances beyond the control of the licensee); *In the Matter of Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976 (FCC 2015) (the Commission may authorize silent station status for a licensee due to circumstances beyond a licensee's control even in the face of 47 U.S.C. § 312(g)'s automatic termination for silent broadcast stations).⁴

Recently revised 47 C.F.R. §§ 22.947 provides that a cellular station license will automatically terminate if the station does not provide service for 180 consecutive days. *Second Report and Order, Report and Order, and Second Further Notice of Proposed Rulemaking*, 32 FCC Rcd. 2518 (2017), 82 FR 17959 (April 14, 2017), 82 FR 17570 (April 12, 2017) (effective May 12, 2017). Because Petitioner's service discontinuation was caused by circumstances beyond its control, good cause exists and the public interest would be served by extension and/or waiver of the automatic license termination rule pending resolution of Petitioner's June 16, 2016 Emergency Application for Review referenced in the attached March 30, 2017 Notice of Discontinuation. The waiver should include sufficient time after resolution of Petitioner's June 16, 2016 Emergency Application for Review to allow Petitioner to assign the subject licenses to the neighboring Partnership and for the neighboring Partnership to install the E911 services.

⁴ There is no statutory requirement similar to § 312(g) which mandates that cellular licenses must automatically expire upon discontinuation of service.

Petitioner estimates that it would take 18-24 months after favorable action on the Emergency Application for Review: 1) to accomplish the license assignment; 2) for the neighboring Partnership to rebuild the subject cellular system; and 3) to install the equipment and software necessary to provide the requested E911 service.⁵ This projected time frame could be extended if petitions to deny or other legal obstacles are interposed by a third party.⁶

The Commission's denial of Petitioner's USF funding is not a "failure to obtain financing" as defined at 47 C.F.R. § 1.946(e)(2). First, § 1.946(e) pertains to an inability to obtain financing to meet the construction and licensing requirements necessary to secure an initial station license. Blanca obtained financing and constructed the subject cellular stations decades ago. Second, the Commission has not articulated a financing standard which pertains to a cellular carrier's statutory obligation to implement a Federally required public safety service such as E911. Because there is no pertinent financing standard regarding E911 deployment, "failure to obtain financing" is not an issue. Third, USF funding is not "financing" as that term is used in cellular licensing matters. USF

⁵ At the time that the subject cellular stations were shut down the physical and software assets were not reliable and service and billing interruptions were frequently experienced. The system lost money on an operating basis and it did not produce revenue which was sufficient to support parts replacement or upgrades. Parts were not always available and spares were used. As previously reported to Commission staff, the manufacturer of the cell site equipment went bankrupt and no manufacturer supports cell site repairs nor the upgrades needed to implement E911 service. Attachment 3 hereto consists of two responses to informal complaints which Petitioner recently filed which provide additional information regarding the service discontinuance and an email response to a subscriber who did not file through the Commission's informal complaint process. With restoration of Petitioner's USF funding for its mobile system, and with return to Petitioner of the USF money which Petitioner returned to the Commission in 2013, Petitioner would be able to begin rebuilding the cellular network, including installation of the E911 services, while Petitioner's cellular licenses are being assigned to the Partnership.

⁶ Administrative and judicial review are events which are beyond Petitioner's control and which support further extensions of time and/or waiver. *Incentive Auction Task Force and Media Bureau Announce; Procedures for the Post-incentive Auction Broadcast Transition, Public Notice*, 217 FCC Lexis 257 ¶ 43 (Media Bureau 2017).

is a resource allocation system for the distribution of support gathered from all parts of the country to promote fixed and wireless/mobile telecommunications facilities in high cost areas notwithstanding the financial standing of the USF recipient. 47 C.F.R. § 54.1 *et seq.*

As a final matter, provision of E911 is an unfunded Federally mandated public safety program which promotes the public's general welfare, but the cost of which is imposed upon private businesses.⁷ The All Channel Receiver Act of 1962, 47 U.S.C. § 303(s), requires manufacturers to install receiving capabilities at the Commission's direction, but no party is required to provide any continuing service on any channel of communication. Regarding E911, on the other hand, telecommunications carriers are required to provide Federally mandated E911 facilities and services on a perpetual basis to provide a Federally mandated public safety service without regard to public demand for the service, without regard to carrier circumstances, and without regard to whether the carrier has income or revenue.⁸ In fact, as discussed above, the pertinent PSAP demanded that Petitioner comply with the Federally mandated E911 public safety program even though it knew that Petitioner's cellular system could not support the expenses associated with that request.

Some states, including Petitioner's home State of Colorado, collect taxes and fees through carriers on the sale telecommunication services to raise revenue to pay for the State and local governments expenses associated with the provision of E911 services. *See e.g.*, CRS § 29-11-102 and 102.5; Attachment 4 hereto: Colorado's 2016 Report to the FCC: *Annual Collection of Information Related to the Collection and Use of 911 and E911 Fees by States and Other*

⁷ The Wireless Communications and Public Safety Act of 1999 is codified at 47 U.S.C. § 615 with State E911 fee collection authority found in 47 U.S.C. § 615a-1(f). The Commission's E911 enforcement authority is found at 47 U.S.C. § 615a-1(e)(2).

⁸ Also unlike the manufacture of TV sets which travel in interstate commerce, public safety is generally a local concern which does not substantially bear on interstate commerce.

*Jurisdictions for the Annual Period Ending December 31, 2015.*⁹ While Petitioner must collect E911 taxes and fees for the State of Colorado, and remit those taxes and fees to the State and local governments, Petitioner receives no E911 funding from any jurisdiction in Colorado. Moreover, there is no mechanism for Petitioner to receive funding from the Federal government to reimburse Petitioner for its costs associated with implementing E911 service.

Carriers like Petitioner bear the cost of implementing the Federal government's mandated, but unfunded, E911 public safety program which Federal public safety program is intended to benefit all persons within the United States. Since the Commission's statutory goal is universal service, 47 U.S.C. § 151, the entire country must pay the costs of the E911 program as a whole. It is improper to impose selectively upon several companies, including Petitioner, the cost of implementing a Federal public safety program which is designed to promote the general welfare. In fact, 47 C.F.R. § 20.18 mandate for Petitioner to incur the expenses necessary to provision E911 services upon PSAP demand runs contrary to the express prohibition found at 47 U.S.C. § 615 ("Nothing in this section shall be construed to authorize or require the Commission to impose obligations or costs on any person.").

The appropriate manner of implementing the Federal program of providing a public safety service to the public at large is for the Federal government to raise tax revenues, or to use other methods of public funding, and acquire the necessary equipment, connections, and testing necessary to accomplish that end.¹⁰ The Commission's current E911 program imposes an unapportioned, non-

⁹ The Commission collects annual reports from States regarding state funding of PSAP functions and provides a state by state listing of reports by year. *See e.g.* <https://www.fcc.gov/8th-annual-911-fee-report-state-filings>

¹⁰ The Federal Government cannot order states to implement a Federal regulatory program. *New York v United States*, 505 U.S. 144 (1992). The E911 statute and Commission rules work around that obstacle by granting the State governments/PSAPs the opportunity to decide when to

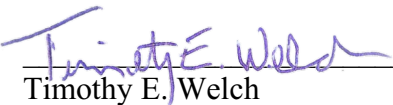
income related direct tax burden on carriers which is contrary to Constitutional requirements. U.S. Const. Art. I Sec. 2, Sec. 8, and Sec. 9.¹¹ The manner in which the Commission and Congress have implemented the E911 public safety program allows the political class to take credit for creating a public safety program without bearing any responsibility whatsoever for the costs associated with that program. That might be astute politics, but it violates the basic taxing premise embedded in the Constitution. Moreover, and the costs imposed upon carriers by 47 C.F.R. §20.18 are prohibited by the express language of 47 U.S.C. § 615.

WHEREFORE, in view of the information presented herein, it is respectfully submitted that the public interest would be served by the requested extension of time and/or rule waivers regarding § 1.947 (automatic license termination) and § 20.18 (E911 services) and any other CMRS operating rule which might come to light.

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June 2, 2017

Respectfully submitted,
BLANCA TELEPHONE COMPANY



Timothy E. Welch
Attorney for Petitioner

participate in the Federal program. 47 C.F.R. § 20.18(d)(1),(f),(g)(2). However, carriers have no participation choice and they must provide E911 service upon demand. *Id.* From the carriers' point of view, the E911 program is an unfunded Federal mandate which imposes upon them the cost for providing the at large public emergency service.

¹¹ To qualify as an indirect excise tax the taxing legislation must be based on some measure of corporate income. *Flint v. Stone Tracy Co.*, 220 U.S. 107, 146 (1911); *Spreckels Sugar Refining Co. v. McClain*, 192 U.S. 397 (1904) (gross receipts tax is an indirect excise tax). Petitioner is being directly taxed without regard to income or revenue and without regard to whether the business operation can support the tax.

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Accepted / Filed

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Blanca Telephone Company)
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Seeking Relief From the June 2, 2016)
Letter Issued by the Deputy Managing)
Director Which Seeks to Enforce an)
Interpretation of the Commission's Rules)
Regarding the Use of USF High Cost)
Funding for the Purpose of Operating a)
Rural Mobile Cellular Telephone System)
During the 2005-2010 Time Period)

MAR 30 2017

**Federal Communications Commission
Office of the Secretary**

**To: The Secretary
ATTN: The Commission**

**SECOND MOTION FOR LEAVE TO SUPPLEMENT
EMERGENCY APPLICATION FOR REVIEW
AND
NOTICE OF DISCONTINUATION OF KNKQ427/KNKR288 CELLULAR SERVICE**

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welchlaw@earthlink.net
March 30, 2019**

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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Funding for the Purpose of Operating a)
Rural Mobile Cellular Telephone System)
During the 2005-2010 Time Period)

To: The Secretary
ATTN: The Commission

**SECOND MOTION FOR LEAVE TO SUPPLEMENT
EMERGENCY APPLICATION FOR REVIEW
AND
NOTICE OF DISCONTINUATION OF KNKQ427/KNKR288 CELLULAR SERVICE**

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March 30, 2019

Introduction

Blanca Telephone Company (Blanca), by its attorney, pursuant to 47 C.F.R. § 1.41, § 1.106(b)(2)(i) (changed circumstances or recent event requires supplement), § 1.106(f) (authorizing requests to supplement pleadings), and § 1.115(g)(1) (recent events or changed circumstances since last filing), hereby seeks leave to supplement its June 16, 2016 Emergency Application for Review, or its June 24, 2016 Petition for Reconsideration in the event the Commission denies Blanca's exhaustion waiver request found at Application for Review, page 4. As discussed in the Petition for Reconsideration, at 1 n. 1, it appears that the Commission denied Blanca's exhaustion waiver request which necessitated the need to file the Petition for Reconsideration.¹ In support whereof, the following is respectfully submitted:

Notice of Cellular Service Discontinuation

The purpose of this submission is to inform the Commission that as a result of a combination of events, as of March 28, 2017 Blanca ceased providing service over its Part 22 cellular stations KNKQ427 and KNKR288. Blanca considers that the information is factually useful in the Commission's consideration of the USF funding issue currently under review, provides information regarding the difficulty in operating a cellular service in a very rural area for the Commission's general information collection purposes, and serves to notify the Commission of the termination of Blanca's cellular service.²

¹ The Petition for Reconsideration is a reformatted version of the Application for Review to meet the filing requirements applicable to reconsideration petitions filed under § 1.106 and it was filed in response to the Commission's suggestion in a letter that Blanca's waiver request had been denied. Otherwise, the two pleadings are substantially similar. However, other than suggesting that Blanca's waiver request had been denied, the Commission has not provided any further guidance regarding Blanca's administrative exhaustion waiver request.

² In late 2015 Blanca advised Commission staff that it intended to terminate cellular service and obtained information about the procedures to be followed to implement service termination. The
(continued...)

Event #1: As discussed in previously filed pleadings, the withdrawal of USF funding caused Blanca's cellular system to operate at a loss, prevented Blanca from maintaining and upgrading the system's infrastructure, and caused Blanca's cellular system to wither on the vine. Blanca did not control the FCC/NECA determination in 2013 that Blanca's rural mobile cellular system is not entitled to USF support. The FCC determined that Blanca's rural cellular service, including the emergency services capacity provided by Blanca's cellular system, is not something that the Commission wanted to provide funding support for in Colorado's Conejos and Costilla Counties. That is a Commission decision over which Blanca exercised no control, and while the Commission has never explained to Blanca the public interest benefits which flow from the denial of rural cellular service funding, Blanca is bound by the Commission's determination as a matter of law and as a matter of economics.

Event #2: On December 14, 2016 the local PSAP issued a demand to Blanca, after receiving some type of *ex parte* notice from Verizon that the PSAP needed to contact Blanca about the need for Blanca to provide E911 emergency services, which imposed a six month time limit for Blanca to install E911 Phase II capability on Blanca's cellular Stations KNKQ427 & KNKR288. Attachment at page 1 of 7 (December 14, 2016 letter from Pamela Stewart to Alan Wehe).³ Blanca had previously explained to the PSAP and to the Commission: 1) that Blanca would need to rebuild

²(...continued)

information Blanca obtained concerned the need to provide notice to subscribers and Commission staff helped undersigned counsel draft an appropriate subscriber notice. Blanca delivered at least two written service termination notices to subscribers between the end of 2015 and the end of 2016.

³ This was the second time that the PSAP had ordered E911 service from Blanca. The PSAP's first demand for E911 service, issued on July 28, 2015, was withdrawn at Verizon's request while Blanca and Verizon negotiated the assignment of Blanca's cellular licenses to a Partnership jointly owned by Blanca and Verizon. See Attachment page 6 of 7 (the PSAP's November 17, 2015 email notifying Verizon and Blanca that it had withdrawn its July 2015 E911 service demand); see also Attachment page 3 of 7 (June 16, 2016 email from William Hickey, Verizon's Executive Director - Strategic Alliances to undersigned counsel discussing the Blanca cellular license assignment plan).

its cellular network before it could install the requested emergency service capability at a projected cost of more than \$1 million; and 2) that because Blanca's cellular system was losing money on an ongoing operating basis, Blanca's cellular system could not support the expense of the buildout required to implement the PSAP's requested E911 upgrades.

In December 2016 the PSAP demanded that Blanca install E911 services notwithstanding its knowledge of the cellular system's financial situation and the deteriorated condition of the cellular system's physical assets. As a consequence of the legal requirement imposed by the PSAP to install the prohibitively expensive E911 service, and the potentially large FCC fine which would likely be imposed for failing to comply, Blanca was effectively forced to sell or terminate its provision of cellular service.⁴ There is no obvious public interest benefit from PSAP's implicit determination that no Blanca cellular service in Blanca's rural market area is somehow better than some Blanca cellular service even without the E911 service availability. But it is what it is: Blanca does not control the PSAP's demand for installation of a prohibitively expensive E911 service.⁵

The FCC's PSAP staff and the FCC's licensing staff have been aware of Blanca's cellular

⁴ Several years ago the FCC denied Blanca's waiver request for a rule which required Blanca to have in stock two hearing aid compatible handsets. The FCC fined Blanca \$15,000 for having one of the two required handset models in stock where Blanca had received NO requests for such handsets. *Blanca Telephone Company, Notice of Apparent Liability for Forfeiture*, 23 FCC Rcd 9398 (SED, EB 2008). Blanca's prior waiver experience involving a single handset for which there was no public demand reasonably counsels extreme hesitancy at again testing the FCC's rule waiver process. Nor does Blanca have any desire to explore the FCC's forfeiture potential for failing to install an extremely complex and prohibitively expensive emergency alert and location system. The concern here is not just one handset, the emergency alert system could potentially be said to affect many times more handsets in a situation involving emergency services. The FCC's handling of the USF issue to date has not been fair, for instance the lack of notice/hearing for purported unspecified rule violations, the failure to comply with statute of limitations, the imposition of a pre-decision licensing administrative hold punishment, and the issuance of a ruinous forfeiture order strongly suggest a negative treatment of a Blanca E911 waiver request.

⁵ At the time of system shut down Blanca still had several subscribers, but most had left the system either over time as a result of the system's physical decline or after having received at least two written notices of intended service discontinuation.

system's operational financial circumstances since at least 2015 and they have done nothing to assist Blanca's effort to implement E911 service. In fact, the licensing staff is under directions not to take any action on Blanca's pending applications including the unrelated sale of Blanca's 700 MHz license to AT&T and the license renewal application for Blanca's cellular Station KNKQ427.⁶

Blanca can only play with the cards dealt to it by the PSAP and the FCC and the cards dealt to Blanca by those governmental agencies require termination of cellular system operations after Blanca's 20+ years of service in the public interest, otherwise Blanca faces an unknown fine for failure to comply with the E911 service requirement imposed by the PSAP in December 2016. It is important to note that for the last six years or so Blanca has operated its cellular service while incurring operating losses, to the tune of about \$20,000 per month. Blanca went above and beyond in its service to the public and absorbed losses for years, but it has now been put out of the cellular service business by governmental bureaucracies who seem interested in obtaining emergency services only if those services are subsidized by Blanca Telephone Company. The fact is that the FCC made the decision to deny USF funding to Blanca in Conejos and Costilla Counties which could have supported Blanca's mobile services including the PSAP's requested emergency service.

Event #3: Since 2015 Blanca has been in periodic contact with the Commission's licensing and PSAP staff concerning Blanca's efforts to assign its two cellular licenses to a neighboring Partnership in which Blanca is one of the owners along with, *inter alia*, Verizon.⁷ However,

⁶ In administrative parlance an "administrative hold" has been placed on Blanca's licensing filings.

⁷ In a peculiarity of the Partnership, Verizon holds a total equity interest of about 70%, but Verizon does not exercise any level of legal control over the Partnership. Blanca has a total equity interest of about 15%, but exercises negative control over the Partnership. Verizon initially approached Blanca about acquiring the cellular licenses around October 2015 after Verizon had learned about Blanca's planned service discontinuation. Verizon expressed concern that the Partnership would be injured because Partnership roamers would lose service and Verizon, at least initially, worked to keep Blanca's system operating. Even Verizon views the licenses as a Partnership opportunity.

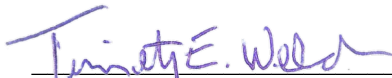
beginning in August 2016 Verizon threatened Blanca with legal action in the event Blanca tried to assign the Blanca cellular licenses to that Partnership. Verizon, citing the USF issue and its *ex parte* discussions with Commission staff, demanded that Blanca assign the Blanca licenses to Verizon or not at all.⁸ See e.g. Attachment at page 2 of 7 (September 7, 2016 email from William Hickey, Verizon's Executive Director - Strategic Alliances, to undersigned counsel). Blanca and the Partnership believe that the Blanca licenses are a partnership opportunity, but Verizon demanded that Verizon be the assignee of the Blanca licenses under threat of litigation against Blanca if the licenses went to the Partnership.⁹ Verizon is a multi-billion dollar publicly traded corporation with international businesses, Blanca is a small rural, domestic independent telephone company which lacks the resources to engage in Verizon's threatened expensive legal battle. So Blanca succumbed to Verizon's litigation threat which threat terminated Blanca's effort to assign the Blanca cellular licenses to the Partnership and which threat served as the last straw regarding the cellular service termination.

⁸ In mid-July 2016, at Verizon's request, undersigned counsel arranged for and participated in a conference call with the Commission staff to discuss the assignment of the Blanca licenses to the Partnership. While Commission staff indicated during that conference call that the USF issue would likely delay assignment application processing, the staff invited the filing of an assignment application. Verizon subsequently informed Blanca and undersigned counsel that Verizon's later held, *ex parte* discussions with FCC staff had indicated that license assignment to the Partnership was not something the Commission was willing to do and thereafter Verizon obstructed Blanca's efforts to assign the licenses to the Partnership.

⁹ On or about March 13, 2017 the Partnership revisited its earlier vote to acquire the Blanca licenses and again voted to acquire the Blanca Cellular licenses. However, during that meeting Verizon reiterated its threat to bring legal action to prevent that transaction. Ultimately, Verizon's threat of litigation, including the filing of objections with the FCC, bore fruit as the Partnership ultimately decided to forego the Partnership's opportunity to acquire the Blanca cellular licenses rather than risk the protracted litigation threatened by Verizon in the event that Blanca filed an application to assign the Blanca cellular licenses to the Partnership.

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March 30, 2017

Respectfully submitted,
BLANCA TELEPHONE COMPANY



Timothy E. Welch

Its Attorney



December 14, 2016


Alan Wehe
Blanca Telephone
129 Santa Fe
Alamosa, CO 81101

Dear Blanca Telephone; Alan Wehe

In compliance with the FCC docket #94-102 wireless carriers are to provide Phase I & II wireless 9-1-1 service within six months of a request from a 9-1-1 authority. This is our official request for you to implement Phase I and Phase II service in our territory.

The next regular meeting is scheduled on January 31st at 6:00 p.m., if you would like to attend to address the request for Phase 1 & 2 implementation.

I am looking forward to working with you on this project.

Sincerely,

Pamela Stewart
PSAP Administrator
San Luis Valley E911 Authority

From: Hickey, Bill A <Bill.Hickey@VerizonWireless.com>
Sent: Wednesday, September 7, 2016 12:30 PM
To: Tim Welch
Cc: Jackman, Steven; Karia, Ketan; james.massey@verizonwireless.com; jrcaplinger@caplinger.net; Catherine Moyer; Wehe Alan; ahoopes@silverstar.net
Subject: RE: [E] Re: CO-7 LP Acquisition of Blanca Cellular Licenses and Certain Assets and VZW Certain Assets

Tim,

It has been almost a year now in discussing the acquisition of Blanca's cellular operations. We have considered your proposal below but unfortunately do not have the appetite for further delays. As we explained on our calls in late August we believe that the only way to move forward with the transaction now, in light of the USF controversy, is with VZW as the buyer. Please let us know if Blanca wishes to proceed on this basis.

Regards,
Bill



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908-559-5408 / office
908-559-7129 / fax
201-207-4944 / mobile
bill.hickey@verizonwireless.com

From: Tim Welch [mailto:welchlaw@earthlink.net]
Sent: Thursday, September 01, 2016 11:08 AM
To: Hickey, Bill A; Wehe Alan; ahoopes@silverstar.net
Cc: Jackman, Steven; Karia, Ketan; Massey, James G; jrcaplinger@caplinger.net; Catherine Moyer; Tim Welch
Subject: [E] Re: CO-7 LP Acquisition of Blanca Cellular Licenses and Certain Assets and VZW Certain Assets

Good morning,

Operating Agreement Extension: Blanca is currently providing the same Roaming service underlying the recently expired operating agreement. Blanca is offering to extend that agreement through January 31, 2017 (with a payment due for the lapsed period). There will need to be another 4 month cellular switch maint. agreement too. Please let us know your thoughts.

Tim

From: Tim Welch
Sent: Monday, June 20, 2016 10:25 AM
To: Hickey, Bill A ; Wehe Alan ; ahoopes@silverstar.net

Cc: Jackman, Steven ; Karia, Ketan ; james.massey@verizonwireless.com ; jrcaplinger@caplinger.net ; Catherine Moyer ; Tim Welch

Subject: Re: CO-7 LP Acquisition of Blanca Cellular Licenses and Certain Assets and VZW Certain Assets

Good morning,

We have some rough pricing for the antennas mounted on a Blanca tower. I think to be certain we would need to know how many antennas are going up and where, but for discussion purposes we can ballpark \$300/mo. per PCS/cellular/700 MHz-style xmit/receive antennas and \$500/mo. per dish-style antenna. Not sure about tower loading issues. I think the Partnership would/should be responsible for addressing that? If the process is taking down antennas and replacing them, there shouldn't be too much of a concern, but it's probably something that needs to be addressed especially if antenna are being added to the towers.

Tim

From: Tim Welch

Sent: Friday, June 17, 2016 11:42 AM

To: Hickey, Bill A ; Wehe Alan ; ahoopes@silverstar.net

Cc: Jackman, Steven ; Karia, Ketan ; james.massey@verizonwireless.com ; jrcaplinger@caplinger.net ; Catherine Moyer ; Tim Welch

Subject: Re: CO-7 LP Acquisition of Blanca Cellular Licenses and Certain Assets and VZW Certain Assets

Thanks Bill.

We are reviewing the extension agreement, I think it looks ok.

My understanding is that each of the repeaters cost about \$50,000; so we were thinking that \$5k ea. = \$20k for all four repeaters. Is that acceptable?

Question about your site listing for Blanca: Blanca has two San Luis sites, one north of San Luis and one South of San Luis (an old AT&T microwave site). Are you interested in both sites? Or just one? If it's just one, maybe you could give us the coords so we know exactly which one you are referring to?

Tim

From: Hickey, Bill A

Sent: Thursday, June 16, 2016 6:49 PM

To: Wehe Alan ; ahoopes@silverstar.net ; Tim Welch

Cc: Jackman, Steven ; Karia, Ketan ; james.massey@verizonwireless.com ; jrcaplinger@caplinger.net ; Catherine Moyer

Subject: CO-7 LP Acquisition of Blanca Cellular Licenses and Certain Assets and VZW Certain Assets

Alan , Tim, and Allen

Attached is the extension agreement from Colorado 7 Limited Partnership for Allen Hoopes to execute for Sand Dunes Cellular Inc. as GP of Sand Dunes Cellular of Colorado Partnership as GP for Colorado 7 – Saguache LP. Alan Wehe to execute for Blanca . As we discussed on Wednesday we would like to target August 1st for VZW management of the cell sites with Blanca continuing to provide switching services while our network team works on the conversion of the system to the VZW switch.

The following is the tentative plan that I will confirm next week with our network team:

1. CO-7 LP would acquire the two cellular licenses for \$108,000.

2. Blanca Sites to be leased by CO-7 long term:
 - a. Fort Garland cell site-- Lease Tower Space and Ground from Blanca. --- **Blanca Telephone owns the tower and the land**
 - b. San Luis South cell site-- We believe you call this AT&T site. Lease Tower and Ground space from Blanca. - **Blanca Telephone owns the tower and the land**
 - c. Capulin Cell Site - Lease Tower Space and Ground space from Blanca **Blanca Telephone owns the tower and the land**
 - d. Blanca Repeater -- We would acquire equipment and Lease Tower and Ground space from Blanca. - **Blanca Telephone owns the tower and the land**
 - e. Manassa Repeater -- We would acquire equipment and Lease Tower from Blanca. Please provide contact information for the land owner. - **Blanca Telephone owns the tower. the land is owned by North Conejos school**
3. Blanca Sites to be leased by CO-7 short term until conversion to VZW switch.
 - a. San Luis cell site
 - b. Antonio cell site
 - c. La Jara Repeater
 - d. Sanford Repeater (**I need to double check with network on whether this is long term**)
4. CO-7 LP would acquire the assets and leases for the following VZW sites:
 - a. San Luis site on air December 2015
 - b. Blanca site on air December 2015
 - c. Antonito site -- Construction in Progress (I believe we did not discuss the CIP sites on Wednesday)
 - d. La Jara site -- Construction in Progress
5. Blanca would continue to provide the switching for the Blanca system up to a year or until conversion if earlier. VZW as manger for CO-7 LP would begin the work of replacing the cellular network with used CDMA equipment and adding LTE equipment following signing (hopefully August 1st).
6. If we cannot file a Pro-Forma assignment of the Blanca licenses to CO-7 LP, the Partnership will sign a pre closing spectrum manager lease with Blanca.

Items to be completed: (**Some of the steps below are still subject to legal review but I thought I would move the discussion forward**)

VZW To Dos:

1. Provide sales price of equipment and related lease costs for the following sites by June 24th.
 - a. San Luis site on air December 2015
 - b. Blanca site on air December 2015
 - c. Antonito site -- Construction in Progress
 - d. La Jara site -- Construction in Progress
2. Amend the 700 MHz lease to include the Blanca territory so it is ready for execution by July 31st.
3. Draft Amendments to the Partnership Agreements for both CO-7 and CO-9 so they are ready for execution by July 31st.
4. VZW Network to Contact Alan Wehe by June 24th to conduct site visits and any environmental testing necessary. Work to be completed for execution of documents by July 31st.
5. Revisit the Due Diligence Request list and discuss with Alan Wehe any open items.

Blanca To Dos:

1. Provide sales price of repeaters to CO-7 LP by June 24th.

2. Provide lease costs for both long term and short term locations by June 24th.
3. Provide backhaul costs to the Blanca switch and switching costs for the period August 1st to the conversion date to VZW switch (estimated to be up to a year).

I realize this is not an exhaustive list but it's a start. I will be out of the office Friday and Monday . I'll be checking voicemails periodically.

Have a good weekend.

Regards,
Bill



William Hickey
Executive Director - Strategic Alliances
Verizon Wireless
One Verizon Way - VC52S-221
Basking Ridge, New Jersey 07920-1097

908-559-5408 / office
908-559-7129 / fax
201-207-4944 / mobile
bill.hickey@verizonwireless.com

From: Stewart - CDPS, Pamela <pamela.stewart@state.co.us>
Sent: Tuesday, November 17, 2015 10:45 AM
To: Hightower, William A
Cc: Jackman, Steven; Hickey, Bill A; alanwehe@gojade.org; welchlaw@earthlink.net; Sherwood, Susan
Subject: Re: Blanca Telephone 911 extension request

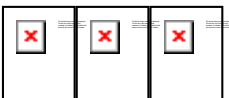
The San Luis Valley E911 Authority Board has send the information to David Seihl with the FCC advising that we are going to discontinue the complaint with the FCC in reference to Alan Wehe, Blanca telephone and the lack of Phase II information.

We have requested that the Phase II complaint be discontinued in order for Verizon and Alan Wehe, Blanca Telephone to enter into a business deal, improving the Verizon coverage within the San Luis Valley.

The San Luis Valley 911 Authority Board is looking forward to working with Verizon and expect that this decision will allow Verizon to move forward, and update equipment which will allow PhaseII information to be provided to the 911 center. We sincerely hope that is will be much sooner than the 2017 date specified.

Pamela Stewart
Regional Manager
Colorado State Patrol
3110 1st Street Alamosa, CO 81101
C 719-588-0310 O 719-587-6712
F 719-589-1611
email pamela.stewart@state.co.us

my email has changed pamela.stewart@state.co.us please update your address book



Under Colorado's Open Records Act (CORA), all e-mails sent by or to me on this state-owned e-mail account may be subject to public disclosure.

On Mon, Nov 9, 2015 at 10:05 AM, Hightower, William A <William.Hightower@verizonwireless.com> wrote:

Ms. Stewart, per our conversation Verizon Wireless is in discussions with the Blanca Telephone Company in regards to the potential acquisition of their wireless assets in areas around Alamosa. The Blanca representative voiced concerns about meeting your PSAPs Phase 2 request in that upgrading the existing towers to be Phase 2 compliant was cost prohibitive and the intent was to turn the network down by the end of November.

The alternative we discussed would be to allow the network to remain as is while we are working to negotiate and complete a transaction to avoid a loss of the current service level and coverage provided. To that end we would ask that an extension be granted to Blanca Telephone until 7/31/17. Provided a transaction is consummated between the parties Verizon Wireless will immediately begin the process of establishing connectivity from our facilities to the acquired sites and at that time we will be able to deploy these sites as Phase 2 in compliance with our current service agreement with your PSAP.

Blanca Telephone Company representation has been CC'd here.

Thanks,

Will Hightower
Engineer III Consultant

Network Engineering & Operations



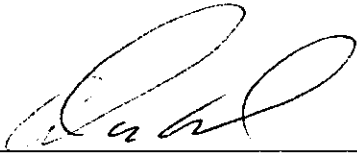
Ofc: [770-797-1287](tel:770-797-1287)

Fax: [770-797-1037](tel:770-797-1037)

Email: william.hightower@verizonwireless.com

Certification

I hereby certify under penalty of perjury that I have read the foregoing *Second Motion for Leave to Supplement Emergency Application for Review and Notice of Discontinuation of KKKQ427/KNKR288 Cellular Service* and that the facts stated therein are true and correct to the best of my knowledge information and belief.

A handwritten signature in black ink, appearing to read 'Alan Wehe', is written over a horizontal line.

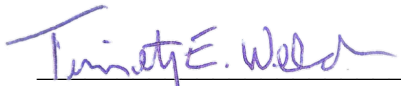
Alan Wehe, President
Blanca Telephone Company

March 29, 2017

Certificate of Service

I hereby certify that I have this 30th day of March 2017 served a copy of the foregoing *Second Motion for Leave to Supplement Emergency Application for Review and Notice of Discontinuation of KNKQ427/KNKR288 Cellular Service* by First Class United States Mail, postage prepaid, upon the following:

Mark Stephens
Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Timothy E. Welch

From: Alan Wehe <alanwehe@gojade.org>
Sent: Friday, January 27, 2017 7:32 PM
To: Pamela Stewart - CDPS
Subject: Re: January 911 Meeting
Attachments: guest01242017145804.pdf

Dear Ms. Stewart,

We have no further information for you at this time. Verizon is raising legal issues in an effort to obstruct the assignment of the licenses to the Partnership in which Verizon and Blanca are Partners and we are trying to work through those issues. However, please be advised that in December 2016 we sent a copy of the attached service termination notice to our subscribers. Blanca lacks the resources to install the E911 Phase II service you have requested and Blanca will need to cease provision of cellular service because Blanca is unable to fulfill the E911 Phase II service you have requested.

Thank you,

Alan Wehe

Blanca Telephone Company

129 Santa Fe Avenue | P.O. Box 1138 | Alamosa, CO 81101

Voice: 719-379-3839 | Fax: 719-379-5233 | Website: blancatelephone.com

alanwehe@gojade.org



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From: "Pamela Stewart - CDPS" <pamela.stewart@state.co.us>
To: "alan wehe" <alanwehe@gojade.org>
Sent: Tuesday, January 24, 2017 11:59:27 AM
Subject: January 911 Meeting

Mr Wehe

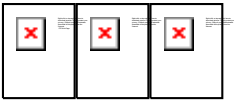
Just a reminder the 911 meeting is coming up next week on the 31st at 6:00pm.

Do you have any updates on the transaction with C07 or Verizon? In addition would it be possible to provide any information on the provision of PhaseII information in Costilla and Conejos counties.

Pamela Stewart

Regional Manager
Colorado State Patrol
3110 1st Street Alamosa, CO 81101
C 719-588-0310 O 719-587-6712
F 719-589-1611
email pamela.stewart@state.co.us

my email has changed pamela.stewart@state.co.us please update your address book



Under Colorado's Open Records Act (CORA), all e-mails sent by or to me on this state-owned e-mail account may be subject to public disclosure.

NOTICE-BLANCA'S CELLULAR SERVICE TO BE DISCONTINUED

The purpose of this Notice is to inform you that as of January 31, 2017 Blanca Telephone Company will no longer provide cellular telephone services within the State of Colorado. Customers who attempt to reach the discontinued services will receive a recorded message to indicate that service is not available.

If you wish to continue to have wireless telecommunications services, you must make arrangements with an alternative mobile wireless provider of your choice prior to January 31, 2017.

If you have any questions about this Notice or Blanca Telephone Company's planned cellular service discontinuation, please contact our office at 719-379-3839, located at 129 Santa Fe, Alamosa, CO 81101.



May 2, 2017

Federal Communications Commission
Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
445 12th Street, S.W.
Washington DC 20554

Re: Informal Complaint #1545772:
Aileen Peek, 76 El Rio Dr, Alamosa CO 81101

Dear Sir or Madam:

This letter responds to the referenced informal complaint which was served on us on or about April 11, 2017 and the FCC staff indicated that our response is due as of May 11, 2017. Blanca Telephone also take this opportunity to comment upon Verizon/Verizon Wireless' April 6, 2017 response to the subject informal complaint which Verizon submitted to the Commission (Attachment page 1 of 6) regarding Verizon's false and misleading contained in that response filed with the Commission.

Ms. Peek's concern is that she has "no service" and Ms. Peek reports that Verizon Wireless informed her that Verizon Wireless "relie[s] on towers owned by Blanca Telephone to give us service." Verizon's oral and written responses to Ms. Peek are false and misleading in several respects. Because it appears that Verizon is providing Ms. Peek, and the Commission, with false and misleading information in this informal complaint proceeding, Blanca Telephone is responding both in its capacity as Licensee of CMRS Station KNKR288 and in its capacity as a negatively controlling owner of neighboring CMRS Station KNKN288 -- Station KNKN288 (licensed to Colorado 7 Limited Partnership) retains Verizon services as the licensing/network manager (Verizon is the majority equity owner of CMRS Station KNKN288, but does not exercise legal control over the license). Blanca Telephone emphatically states that neither of it nor the controlling owner of Station KNKN288 condones Verizon's utilization of the Commission's legal processes to promulgate false and misleading information either to the public or to the Commission. Blanca Telephone has an obligation to disclose Verizon's false statements in the event the Commission wishes to pursue administrative sanctions against Verizon -- Verizon's false statements do not represent the views of Colorado 7 Limited

Partnership and making false statements to the Commission falls outside Verizon's duties as KNKN288's licensing/network manager.

Verizon's statement to Ms. Peek that Verizon "relie[s] on towers owned by Blanca Telephone to give us service" is plainly false. Ms. Peek is a subscriber of, and receives cellular service from, Station KNKN288 licensed to Colorado 7 Saguache Limited Partnership. Ms. Peek is not a subscriber to Blanca Telephone's cellular services and Verizon's statement to Ms. Peek that Blanca Telephone is responsible for providing cellular service to Ms. Peek is patently false. To the best of Blanca Telephone's knowledge, Station KNKN288 has continuously provided Ms. Peek with uninterrupted cellular service.

Attachment pages 3-4 of 6 hereto are copies of the current CGSA maps associated with Blanca Telephone's CMRS Station KNKR288 and with Colorado 7 Saguache Limited Partnership's CMRS Station KNKN288 taken from the Commission's ULS licensing database. Ms. Peek resides in Alamosa, CO which is approximately 18.4 miles NE of Blanca Telephone's CMRS Station KNKR288 Loc. #1 (Capulin) and 14.7 miles N of Blanca Telephone's CMRS Station KNKR288 Loc. #3 (Sanford). Ms. Peek's service address in Alamosa CO is plainly beyond Blanca Telephone's authorized CGSA, and plainly within Colorado 7 Saguache Limited Partnership's CGSA – Ms. Peek is properly subscribing to, and receiving cellular service from, Colorado 7 Saguache Limited Partnership's CMRS Station KNKN288 with primary cellular service being provided by KNKN288's Loc. #1 (Alamosa). *See e.g.*, 47 C.F.R. § 54.307(b) (the "service location" for a mobile subscriber is the subscriber's billing address). Colorado 7 Saguache Limited Partnership is responsible for proving service to Ms. Peek, Blanca Telephone is not responsible for providing service to Ms. Peek's subscriber account, notwithstanding Verizon's false statement to Ms. Peek.

Verizon's April 6, 2017 informal complaint response to Ms Peek states further that Blanca Telephone shutdown its cellular network on March 28, 2017 "without providing any prior notification to Verizon." That is also a false and misleading statement. It is noted that Verizon is repeating that false statement in mailed notices apparently being sent to subscribers to Colorado 7 Saguache Limited Partnership's cellular service (Attachment page 2 of 6). Attachment page 5 of 6 is a copy of Verizon's November 3, 2015 email from William Hickey to Blanca Telephone's counsel Tim Welch. Mr. Hickey's November 3, 2015 email discusses Verizon's planned notification to Colorado 7 Saguache Limited Partnership's subscribers regarding Blanca Telephone's then planned November 30, 2015 cellular service shutdown. Verizon has known about Blanca Telephone's planned cellular service discontinuance for more than 1.5 years, notwithstanding Verizon's numerous recent false and misleading statements to Ms. Peek, to other Colorado 7 Saguache Limited Partnership subscribers, and to the Commission.

Blanca Telephone had planned to discontinue its provision of cellular service because its cellular system was unprofitable and it was losing money for years at a rate of about \$20,000 per month. As noted in Mr. Hickey's November 3, 2015 email, Verizon and Blanca Telephone negotiated a service operation extension agreement in which Blanca Telephone agreed to continue operating its cellular service in exchange for a monthly "break even" fee payment from Verizon to Blanca Telephone. Verizon knew at that time that Blanca Telephone's cellular system was undergoing financial distress. It is my recollection that the service extension operation agreement was fully

executed before the end of November 2015.

Verizon made the “break even” payments to Blanca Telephone through about March 2016 when Verizon suddenly ceased making the required monthly payments. However, despite Verizon’s willful failure to pay after inducing Blanca Telephone to continue providing service, Blanca Telephone continued to provide cellular service in the hope that Blanca Telephone’s cellular licenses could be assigned to Colorado 7 Saguache Limited Partnership. However, Verizon actively obstructed Blanca Telephone’s efforts to assign its cellular licenses, which obstruction included Verizon’s threats to bring legal action against Blanca Telephone. *See Attachment page 6 of 6* (Verizon’s October 6, 2016 email to Tim Welch, Blanca Telephone’s attorney, threatening legal action). Verizon’s failure to continue to make monthly service operation extension payments, coupled with Verizon’s obstruction of Blanca’s efforts to assign its cellular licenses, were the proximate causes of Blanca Telephone’s recent discontinuation of cellular service. Not only did Verizon long have notice of Blanca Telephone’s planned shutdown of its cellular service, Verizon’s actions and obstruction are the proximate causes of the recent service discontinuance Ms. Peek has experienced. Please note that had Blanca Telephone been successful in assigning its cellular licenses to Colorado 7 Saguache Limited Partnership, then no Partnership subscriber would have had to pay roaming charges when traveling in the areas covered Blanca Telephone’s cell sites and E911 emergency services would have been instituted in Blanca Telephone’s CGSA.

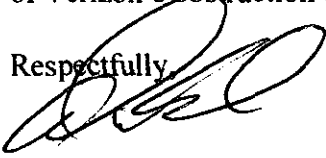
On behalf of Colorado 7 Saguache Limited Partnership, we sincerely apologize to Ms. Peek for Verizon’s apparent failure to inform her of a long known, potential, easily foreseeable disruption to her roaming service. Moreover, we deeply regret Verizon’s false statements to her, to the other subscribers, and to the Commission, it is not something we condone to any degree.

While we had thought that Verizon had addressed any notification issue it felt was necessary for Station KNKN288, it appears clear that Verizon utterly failed in its duties as system manager. Since October 2015 Blanca Telephone sent at least two written notices to its own subscribers alerting them to the imminent shutdown of Blanca Telephone’s cellular service. After Blanca Telephone delivered the first of these written subscriber notifications Verizon contacted Blanca Telephone in November 2015 to reach the agreement to continue Blanca Telephone’s provision of cellular service in exchange for a monthly payment of a fixed “break even” fee and Verizon began preparing similar notices for subscribers such as Ms. Peek. Verizon has not advised us why it failed, as the manager of Ms. Peek’s cellular service, to send to her a similar service disruption notice in fulfillment of its responsibility as KNKN288’s license & system manager.

We don’t know why Verizon’s April 6, 2017 response to Ms. Peek, and Verizon’s recent subscriber notices, read as if Verizon was taken by surprise by Blanca Telephone’s cellular service shutdown because nothing could be further from the truth. Verizon’s failure to pay the “break even” fee for approximately one year while knowing about Station KNKR288’s financials distress, a service which Verizon plainly requested and contracted for, and Verizon’s active licensing obstruction which Verizon restated as recently as a mid-March 2017 Partnership meeting, were instrumental to Blanca Telephone’s service shutdown. Blanca Telephone is pleased that Verizon has at least partially addressed its culpability in this matter by providing Ms. Peek with 2 handsets which we hope will restore a substantial portion her lost roaming service. Ms. Peek likely will incur a roaming fee payable to Verizon, but not to the Colorado 7

Saguache Limited Partnership – Verizon's has successfully excluded a potential competitor in the San Luis Valley in favor of Verizon's own service offering. We think that at least from Ms. Peek's perspective, this matter is resolved even though we regret that we were unable to eliminate all roaming charges for Colorado 7 Saguache Limited Partnership subscribers because of Verizon's obstruction of Blanca Telephone's relicensing effort.

Respectfully,



Alan Wehe
President - Blanca Telephone Company
Licensee of CMRS Station KNKR288
Controlling Owner - Colorado 7 Saguache Limited Partnership,
Licensee of CMRS Station KNKN288

cc: Ms. Aileen Peek
Steve Jackman, Esq.
Verizon's Asst. General Counsel
William Hickey
Verizon's Executive Director of Strategic Alliances



P.O. Box 3190
Chandler, AZ 85244

April 06, 2017

Federal Communications Commission
Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
445 12th Street, S.W.
Washington DC 20554

Re: Name and address:

Aileen Peek
76 El Rio Dr
Alamosa CO 81101
Serve ticket#: 1545772
Serve date: 04/06/2017

Dear FCC,

This letter is in response to the above-referenced complaint. Thank you for referring it to our office for review. Aileen Peek contacted the Executive Office regarding a concern with a recent change with cellular reception in and around her home location. She states she had previously relied on the towers owned by Blanca Telephone in order to have service in her area although she has Verizon Wireless as her service provider. Verizon Wireless appreciates the opportunity to address Ms. Peek's concerns.

A thorough review of Ms. Peek's account shows she is located in Alamosa, Colorado. On March 28, 2017, Verizon Wireless was notified that Blanca Telephone, our partner for roaming coverage in Conejos and Costilla counties in Colorado, shut down its CDMA or 3G wireless network. Blanca took this action without providing any prior notification to Verizon. 3G wireless network is no longer available in this area but, our technology allows for voice calls to be carried over our 4G LTE network (VoLTE). Ms. Peek currently has a total of six lines of service on her account, which consist of five basic phones and one smart phone. The basic devices she is using do not support our HD calling.

I spoke with Ms. Peek regarding her concerns and the above findings. I apologized for her experience with the sudden change of service in her area. I thanked her for her extended loyalty with our company. As a gesture of goodwill, I provided Ms. Peek with two Samsung smart phones at no cost which are compatible with our HD calling (VoLTE) to allow her to have access to still make and receive calls normally. She was satisfied with the resolution provided and had no further concerns.

Should the Federal Communications Commission have any questions, please contact S. Kashif using the contact information you have on file. Should Aileen Peek have any questions or concerns, I may be reached at 8007792067 ext. 2220776 between 9:30 AM - 6:00 PM PST, Monday - Friday.

Sincerely,

Wesley S.
Executive Relations

cc: Aileen Peek



Dear Customer:

Recently Verizon was notified that Blanca Telephone, our partner for roaming coverage in your area, shut down its CDMA or 3G wireless network. Blanca took this action without providing any prior notification to Verizon. Upon learning of Blanca's decision, our chief concern has been to take care of our customers and ensure you have a reliable method of communication.

Over the past year, Verizon has worked to expand our 4G LTE network in southern Colorado, including Conejos and Costilla counties. In addition to data, our technology allows for voice calls to be carried over our 4G LTE network (VoLTE). Although Verizon makes every attempt to replicate the coverage of our roaming partners with 4G LTE coverage, there are a small subset of customers who will be outside Verizon's service area. In addition customers must have a 4G LTE device enabled with Advanced Calling in order to maximize this technology for both voice and data. Please visit your local Verizon store or authorized agent at the below locations to learn more about your service options. You can also call our customer care number at 1-800-922-0204. We are standing by to assist you.

You have our commitment that we will do what is right for our customers and look forward to providing you the premier customer experience you have come to expect from Verizon.

Sincerely,

Verizon Wireless

Verizon – Pueblo North

4410 N Freeway Rd, Pueblo, CO 81008
(719) 543-2000

Ensignal

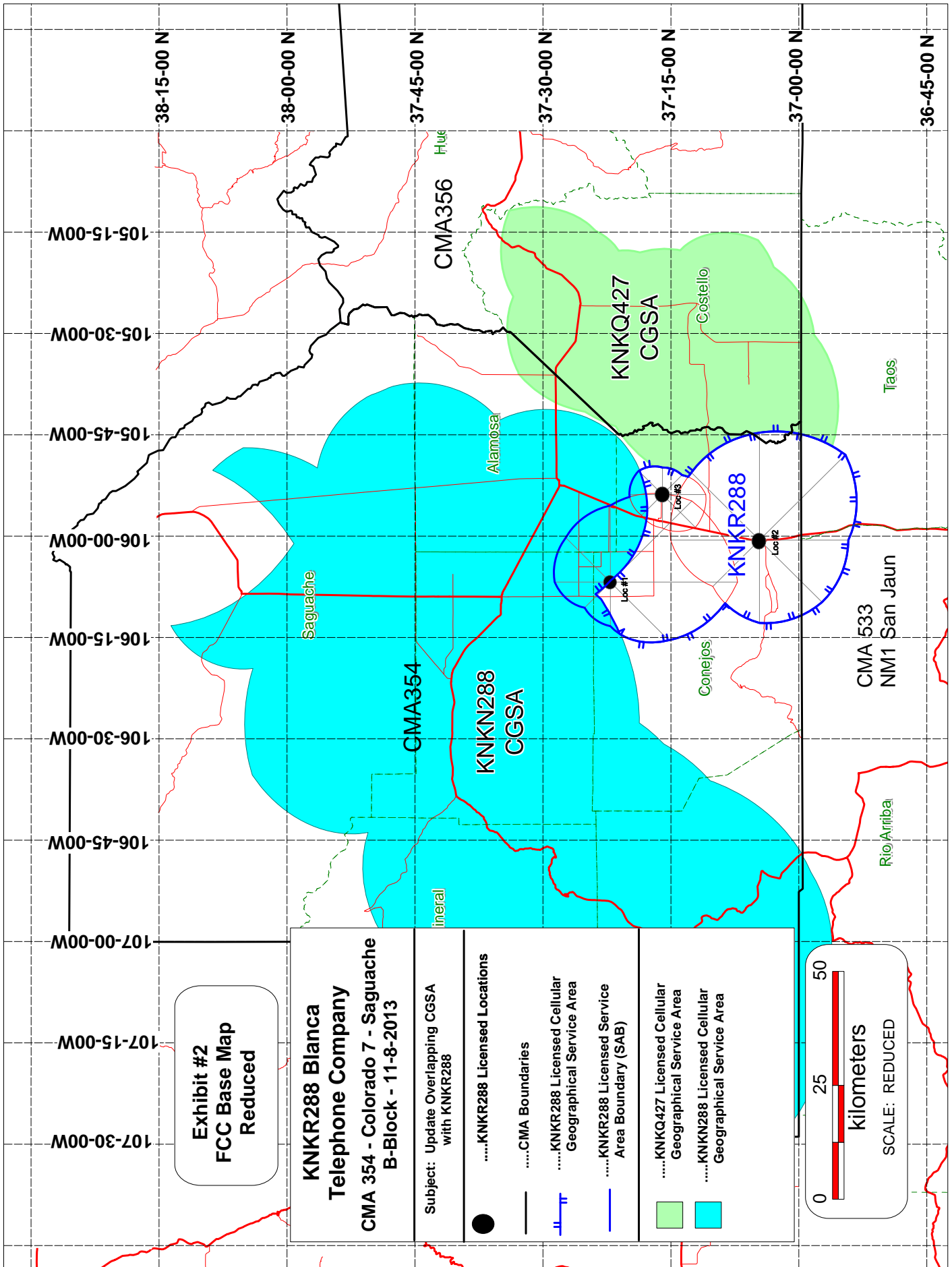
718 Del Sol Dr, Alamosa, CO 81101
(719) 587-0107

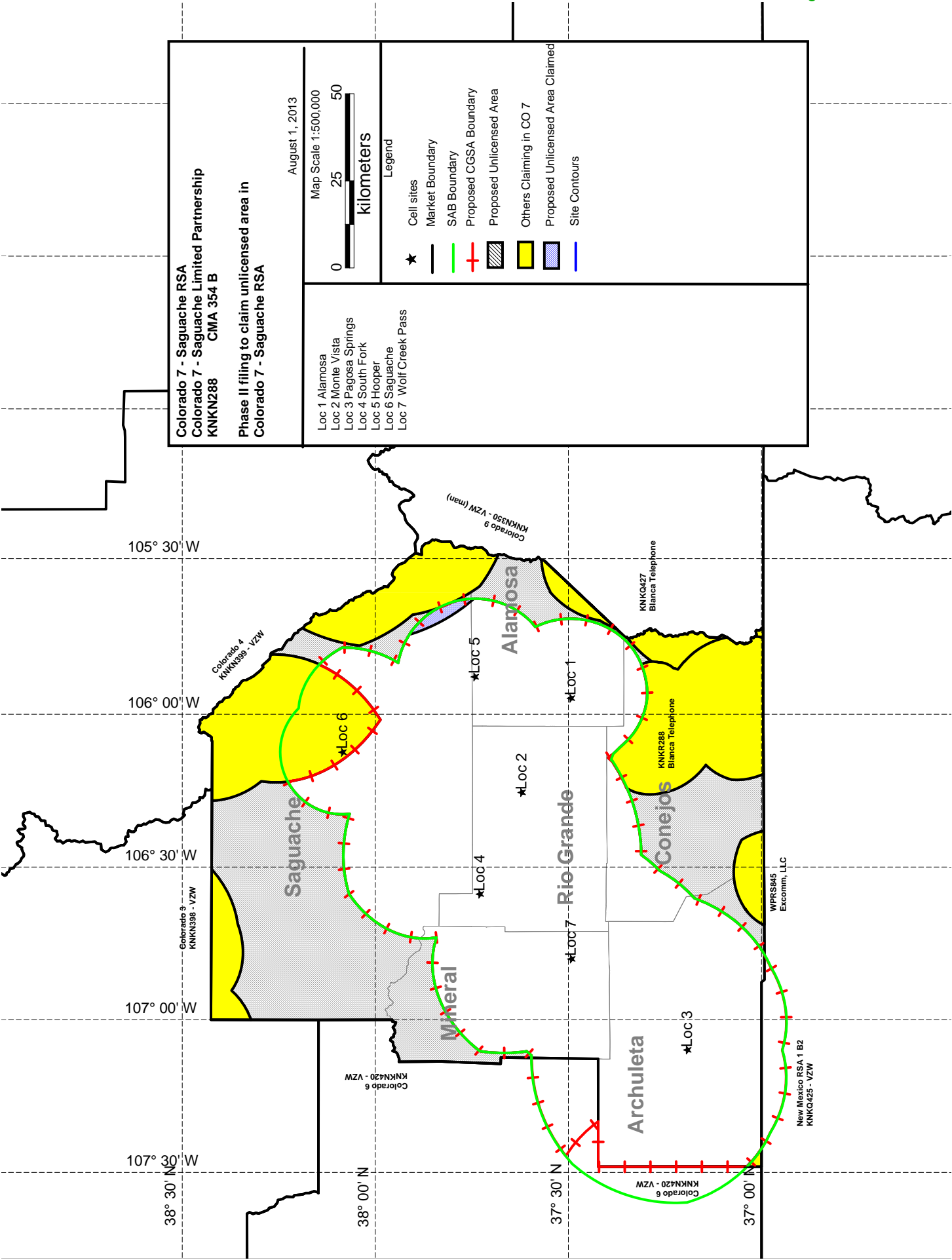
Russell Cellular

2101 MAIN ST UNIT B Alamosa, CO, 81101
(719) 587-2355

Ensignal

845 1st Ave, Monte Vista, CO 81144
(719) 852-0330





From: Hickey, Bill A <Bill.Hickey@VerizonWireless.com>
Sent: Tuesday, November 3, 2015 6:40 PM
To: Tim Welch
Cc: Jackman, Steven; Karia, Ketan
Subject: Blanca Shutdown Nov 30th

Tim

I have a call with the VZ team tomorrow at 10:00EST to discuss progress on customer notification preparations. Is there any updates on a Blanca proposal for an extension we can discuss at 9:30 EST? I know we have a call later in the afternoon with the other Partners but I think it would be helpful to hear about some options before that call.

Regards,
Bill



William Hickey
Executive Director - Strategic Alliances
Verizon Wireless
One Verizon Way - VC52S-221
Basking Ridge, New Jersey 07920-1097

908-559-5408 / office
908-559-7129 / fax
201-207-4944 / mobile
bill.hickey@verizonwireless.com

From: Jackman, Steven <Steven.Jackman@VerizonWireless.com>
Sent: Thursday, October 6, 2016 5:51 PM
To: 'Tim Welch'
Cc: Hilke, Catherine Michelle; james.massey@verizonwireless.com; Hickey, Bill A; 'jrcaplinger@caplinger.net'; 'Catherine Moyer'; 'Wehe Alan'; 'ahoopes@silverstar.net'
Subject: RE: [E] Re: Blanca Operations

We are providing the log-in credentials for filing a license transfer application with the FCC. However, it remains our position that Sand Dunes Cellular, Inc., Sand Dunes Cellular of Colorado Limited Partnership and Mr. Wehe are not authorized to sign the transfer application on behalf of the Partnership and that the Partnership has not obtained the requisite approvals for a transfer and has no basis on which to seek FCC approval of one. Should you proceed to file a transfer application in the face of these prohibitions, Verizon will oppose it as unauthorized and contrary to the Partnership's and the public interest.

Colorado 7-Saguache Limited Partnership	0003770286	PW REDACTED
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Steven B. Jackman, Esq.
Assistant General Counsel
Public Policy, Law & Security
One Verizon Way - VC54S240
Basking Ridge, NJ 07920-1097
O 908.559.7401 | M 973.477.3211
Steven.Jackman@Verizon.com

From: Tim Welch [mailto:welchlaw@earthlink.net]
Sent: Thursday, October 06, 2016 7:19 AM
To: Jackman, Steven
Cc: Hilke, Catherine Michelle; Massey, James G; Hickey, Bill A; jrcaplinger@caplinger.net; 'Catherine Moyer'; 'Wehe Alan'; ahoopes@silverstar.net; Tim Welch
Subject: Re: [E] Re: Blanca Operations

Good morning Steve,

Attached please find Colorado 7 – Saguache Limited Partnership's authorization, via Sand Dunes Cellular, Inc., to release the Partnership's FCC ULS login credentials to me so that I can prepare and file the Blanca-CO7 KNKQ427 & KNKR288 cellular license assignment application.

Partnership Ownership Report—I have attached a copy of the 2009 FCC Form 602 Ownership Report File No. 0003918243 which Verizon filed for the Partnership. It looks substantially correct to me, but the partners should review it to see if it needs to be updated.

Let me know if there are any questions.

Tim
202-321-1448 (cell)

May 9, 2017

1025 Connecticut Ave., N.W.
Suite 1000
Washington, D.C. 20036
(202) 857-1470
Fax (301) 622-2864

Federal Communications Commission
Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
445 12th Street, S.W.
Washington DC 20554

Timothy E. Welch
welchlaw@earthlink.net

Re: Informal Complaint #1541545:
Stephen Walters, P.O. Box 612, 2230 Solaz Road, Ft. Garland CO, 81133

Dear Sir or Madam:

This letter responds to the referenced informal complaint which was served on Blanca Telephone Company (BTC) on or about April 24, 2017 and the FCC staff indicated that our response is due as of May 24, 2017. BTC also takes this opportunity to comment upon Verizon/Verizon Wireless's (VZ) April 12, 2017 response to the subject informal complaint which VZ submitted to the Commission (Attachment page 1 of 3) regarding Verizon's false and misleading statements contained in that response. Because BTC is a controlling interest holder in two adjacent VZ markets from which it appears that Mr. Walters obtained cellular service (CMRS Station KNKN288 & KNKN350), BTC is fulfilling its candor obligations by reporting VZ's apparently false statements to the General Counsel, please let me know if anything further is required.

Mr. Walters' concern is that BTC's March 28, 2017 cellular service shut down caused him to have no wireless service at his Ft. Garland, CO residence using a VZ provided \$400 4G handset. Mr. Walters also expresses a public safety concern given the lack of wireless service in the area.

Regarding Mr. Walters' concern about public safety relating to the lack of wireless services in the Ft. Garland area it is noted that the FCC terminated BTC's Universal Service Funding support and BTC has not received such support effective as of 2011. Since that time BTC reports that it had operated its cellular system at an annual loss of approximately \$240,000. In June 2016 the FCC ordered BTC to repay millions of dollars in USF funds paid to BTC from 2005-2010, which USF support BTC had received to support its mobile service operation in the Ft. Garland and surrounding areas. The FCC's decisions to defund USF support in the Ft. Garland area is one circumstance that led to the shut down of BTC's cellular service. Another circumstance leading to the shutdown of BTC's cellular service in the Ft. Garland area was the December 2016 San Luis Valley safety authority's order to BTC to install E911 location technology on it mobile system knowing that BTC's cellular system could not support that capital expenditure. While Mr. Walters expresses a public safety concern about the loss of existing cellular service, BTC received no public safety support from the FCC or from the San Luis Valley PSAP and, in fact, the FCC and the PSAP took

actions without regard to the financially devastating consequences to BTC's mobile operation.

Regarding Mr. Walters concern that another carrier, including VZ, should be allowed to operate BTC's cellular system/frequencies, please be advised that in Fall 2015 BTC announced its plan to discontinue its provision of cellular service because its cellular system was unprofitable and it was losing money for years at a rate of about \$20,000 per month. As noted in Mr. Hickey's November 3, 2015 email (Attachment page 2 of 3) VZ and BTC negotiated a service operation extension agreement in which BTC agreed to continue operating its cellular service in exchange for a monthly "break even" fee payment from VZ to BTC. It is my recollection that the service extension operation agreement was fully executed before the end of November 2015. Verizon knew at that time that Blanca Telephone's cellular system was undergoing financial distress and as discussed below, VZ actively obstructed BTC's effort to assign its cellular licenses.

Verizon made the "break even" payments to Blanca Telephone through about March 2016 when Verizon suddenly ceased making the required monthly payments. However, despite Verizon's willful failure to pay after inducing BTC to continue providing service, BTC continued to provide cellular service in the hope that BTC's cellular licenses could be assigned to Colorado 7 Saguache Limited Partnership. However, Verizon actively obstructed Blanca Telephone's efforts to assign its cellular licenses, which obstruction included Verizon's threats to bring legal action against BTC. *See* Attachment page 3 of 3 (Verizon's October 6, 2016 email to Tim Welch, BTC's attorney, threatening legal action). VZ is a huge multi-national corporation and BTC is a small, domestic-only company which lacks the resources to engage VZ in legal battles on multiple fronts.

VZ's failure to continue to make monthly service operation extension payments, coupled with VZ's obstruction of BTC's efforts to assign its cellular licenses, were the proximate causes of BTC's recent discontinuation of cellular service. Not only did VZ long have notice of BTC's planned shutdown of its cellular service, VZ's actions and obstruction are the proximate causes of the recent service discontinuance Mr. Walters has experienced. Please note that had BTC been successful in assigning its cellular licenses to Colorado 7 Saguache Limited Partnership, then no area subscriber would have had to pay roaming charges when traveling in the areas covered by BTC's cell sites and E911 emergency services would have been instituted in BTC's CGSA. While Mr. Walters complains that "Verizon personnel have told me they have tried to purchase this tower, and the owner won't sell." VZ lied to Mr. Walters – VZ actively obstructed BTC's effort to assign its cellular licenses.

BTC understands that Mr. Walters was unaware of the facts when he complained that BTC is the "actual offending party." Unknown to Mr. Walters, BTC tried for years to keep its unprofitable cellular operation running, but was met by (at best) indifference from the FCC and from the PSAP, while also facing VZ's active obstruction of BTC's effort to continue service.

It appears that VZ's April 12, 2017 response to Mr. Walters (Attachment pae 1 of 3), submitted through the Commission's informal complaint response system, contains false and misleading

statements. Therefore, this response is being submitted to the FCC's General Counsel, and VZ representatives, for review and action as warranted.

VZ's April 12 response states:

"Verizon customers located in or traveling through these counties may not have voice service. No Tickets are needed at this time, do not transfer to tech support." What this means is that unfortunately Blanca has shut down service in that area. If you look at the customer's location on the map, it is a no-service area. We have no control over what they do on their network and cannot force them to turn towers back on or anything along those lines.

VZ falsely informed Mr. Walters that BTC is responsible for providing service to Mr. Walters when, in fact, it appears from VZ's response and Mr. Walters' complaint that Mr. Walters is VZ's subscriber. VZ is plainly responsible for providing service to its own subscribers even though Mr. Walters resides in BTC's former cellular service area. VZ is responsible for providing service to its own subscribers and VZ's statement to Mr. Walters that BTC is responsible for providing Mr. Walters' service is patently false.

Moreover, VZ's statement is misleading because while VZ is correct that Mr. Walters resides in a "no service area" outside of VZ's CMRS Station KNKN288's and CMRS Station KNKN350's authorized service areas, VZ fails to inform Mr. Walters and the FCC that the FCC's subscriber capture prohibition prevents VZ from selling service to subscribers, like Mr. Walters, who reside outside of VZ's authorized services areas and within BTC's protected cellular service area. That prohibition exists, in part, precisely to prevent the subscribed carrier from disclaiming subscriber service quality in the manner VZ is doing with Mr. Walters and to protect the financial interests of the carrier suffering illegal encroachment from a neighbor. *See e.g.*, 47 C.F.R. § 54.307(b) (the "service location" for a mobile subscriber is the subscriber's billing address); 47 C.F.R. § 22.911(d) (carrier CGSA is protected from subscriber capture). Neither BTC, nor the licensees of KNKN288 or KNKN350, condones false statements to the public or to the Commission nor do they condone violation of other FCC rules including the subscriber location/subscriber capture rules. VZ's conduct in this matter is reprehensible and inexcusable. BTC has an obligation to disclose VZ's false statements and other rule violations in the event the Commission wishes to pursue administrative sanctions against VZ – VZ's false statements do not represent the views of Colorado 7 Limited Partnership (KNKN288) or San Isabel Cellular of Colorado Limited Partnership (KNKN350) and making false statements to the Commission and otherwise violating the Commission's rules falls very far beyond Verizon's duties as KNKN288's and KNKN350's licensing/network manager.

On behalf of BTC, we sincerely apologize to Mr. Walters for Verizon's apparent failure to inform him of a long known, easily foreseeable disruption to his roaming service. Moreover, BTC deeply regrets VZ's false statements to Mr. Walters, and to other subscribers, and to the Commission. And BTC regrets that VZ violated subscriber capture rules and then has attempted to disclaim the

provision of service responsibility it owes to Mr. Walters. BTC does not condone any of these actions to any degree and stands ready to fully assist any Commission inquiry into these matters.

Respectfully,



Timothy E. Welch
Counsel to Blanca Telephone Company

cc: Mr. Stephen Walters
Steve Jackman, Esq.
Verizon's Asst. General Counsel
William Hickey
Verizon's Executive Director of Strategic Alliances



P.O. Box 105378
Atlanta, GA 30348

April 12, 2017

Federal Communications Commission
Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
445 12th Street, S.W.
Washington DC 20554

Re: Name and address:

Stephen Walters
Po Box 612
Fort Garland CO 81133
Serve ticket#: 1541545
Serve date: 04/05/2017

Dear FCC,

This letter is in response to the above-referenced complaint. Thank you for referring it to our office for review. Stephen Walters expressed concern in regards to the disabled tower in his area.

We appreciated the opportunity to address this matter. We had our Technical Advisory Group review Mr. Walter's concern and they advised the following:

The customer's issue per their NRB ticket and alerts is "Late in the day on 3/28, Verizon was notified that one of its roaming partners, Blanca Telephone, had shut down wireless voice service in Conejos and Costilla Counties in Colorado. As a result, Verizon customers located in or traveling through these counties may not have voice service. No Tickets are needed at this time, do not transfer to tech support." What this means is that unfortunately Blanca has shut down service in that area. If you look at the customer's location on the map, it is a no-service area. We have no control over what they do on their network and cannot force them to turn towers back on or anything along those lines. The customer would best be served by continuing to speak with Blanca regarding their towers; there is nothing we can do.

Should the Federal Communications Commission have any questions, please contact S. Kashif using the contact information you have on file. Should Stephen Walters have any questions or concerns, I may be reached at 8007792067 ext. 2143811 between 8:30 AM - 5:30 PM EST, Monday - Friday.

Sincerely,

Shona J.
Executive Relations

cc: Stephen Walters

From: Hickey, Bill A <Bill.Hickey@VerizonWireless.com>
Sent: Tuesday, November 3, 2015 6:40 PM
To: Tim Welch
Cc: Jackman, Steven; Karia, Ketan
Subject: Blanca Shutdown Nov 30th

Tim

I have a call with the VZ team tomorrow at 10:00EST to discuss progress on customer notification preparations. Is there any updates on a Blanca proposal for an extension we can discuss at 9:30 EST? I know we have a call later in the afternoon with the other Partners but I think it would be helpful to hear about some options before that call.

Regards,
Bill



William Hickey
Executive Director - Strategic Alliances
Verizon Wireless
One Verizon Way - VC52S-221
Basking Ridge, New Jersey 07920-1097

908-559-5408 / office
908-559-7129 / fax
201-207-4944 / mobile
bill.hickey@verizonwireless.com

From: Jackman, Steven <Steven.Jackman@VerizonWireless.com>
Sent: Thursday, October 6, 2016 5:51 PM
To: 'Tim Welch'
Cc: Hilke, Catherine Michelle; james.massey@verizonwireless.com; Hickey, Bill A; 'jrcaplinger@caplinger.net'; 'Catherine Moyer'; 'Wehe Alan'; 'ahoopes@silverstar.net'
Subject: RE: [E] Re: Blanca Operations

We are providing the log-in credentials for filing a license transfer application with the FCC. However, it remains our position that Sand Dunes Cellular, Inc., Sand Dunes Cellular of Colorado Limited Partnership and Mr. Wehe are not authorized to sign the transfer application on behalf of the Partnership and that the Partnership has not obtained the requisite approvals for a transfer and has no basis on which to seek FCC approval of one. Should you proceed to file a transfer application in the face of these prohibitions, Verizon will oppose it as unauthorized and contrary to the Partnership's and the public interest.

Colorado 7-Saguache Limited Partnership	0003770286	PW REDACTED
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Steven B. Jackman, Esq.
Assistant General Counsel
Public Policy, Law & Security
One Verizon Way - VC54S240
Basking Ridge, NJ 07920-1097
O 908.559.7401 | M 973.477.3211
Steven.Jackman@Verizon.com

From: Tim Welch [mailto:welchlaw@earthlink.net]
Sent: Thursday, October 06, 2016 7:19 AM
To: Jackman, Steven
Cc: Hilke, Catherine Michelle; Massey, James G; Hickey, Bill A; jrcaplinger@caplinger.net; 'Catherine Moyer'; 'Wehe Alan'; ahoopes@silverstar.net; Tim Welch
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Partnership Ownership Report—I have attached a copy of the 2009 FCC Form 602 Ownership Report File No. 0003918243 which Verizon filed for the Partnership. It looks substantially correct to me, but the partners should review it to see if it needs to be updated.

Let me know if there are any questions.

Tim
202-321-1448 (cell)

From: Tim Welch <welchlaw@earthlink.net>
Sent: Tuesday, May 9, 2017 4:51 PM
To: Rose Strand
Cc: Brendan Carr; Neil Dellar; Steven Jackman; bill hickey; Wehe Alan; Tim Welch
Subject: Response to Your May 2 Letter to Blanca Telephone Company
Attachments: 170509_Blanca Response to Peek Informal Complaint Signed.pdf; 170509_Walters Response Signed.pdf; 170501_Letter Complaint_Blanca Telephone 5-1-2017.docx

Good afternoon Ms. Strand,

I have served as Blanca Telephone Company's Federal regulatory attorney for more than 30 years. Blanca Telephone requested that I respond to your May 1, 2017 letter regarding Blanca Telephone's termination of cellular service in the Fort Garland area. Please accept Blanca Telephone's deepest sympathies. In order to provide you with a complete record of the situation, I have attached two detailed letters we filed with the FCC today which fully explain the circumstances regarding Blanca Telephone's cellular service discontinuation.

In summary: 1) the FCC stopped providing Universal Service Funding for Blanca Telephone's system effective as of 2011 and since that time Blanca Telephone operated the cellular system at an annual loss of about \$240,000 (over \$1 million in losses by now and the FCC is demanding an additional \$7 million from Blanca Telephone). 2) In December 2016 the San Luis Valley public safety people demanded that Blanca Telephone install location detection technology even though the PSAP knew that Blanca Telephone's cellular system would not support the projected/required \$1 million capital expenditure. 3) Verizon actively obstructed and prevented Blanca Telephone's effort to assign its cellular licenses to a Partnership which has the financial ability to keep the cellular system operating.

I don't believe that you were a subscriber to Blanca Telephone's cellular service, but that you are a subscriber to a Verizon wireless service. Please correct me if I have that wrong, but if I am correct, then Verizon is responsible for providing your cell service under the FCC's rules. Moreover, because you live in Fort Garland, Verizon should not have subscribed you to its service, Verizon's act of subscribing you to Verizon's service violated various FCC rules because you are located outside of Verizon's authorized service area. We have brought Verizon's illegal subscription plan to the FCC's attention in the attached letter concerning Mr. Walters. Please note that since Fall 2015 Blanca Telephone sent at least two written notices to its own subscribers about the imminent shut down of its cellular service. Verizon knew about Blanca Telephone's intended service discontinuation since Fall 2015, but it apparently did not notify you. Blanca does not understand why Verizon failed to inform you about the anticipated service interruption, but Blanca Telephone regrets Verizon's failure. Since you were not Blanca Telephone's subscriber, you did not receive a service termination notice from Blanca Telephone even though you apparently relied upon Blanca Telephone's Fort Garland site as your primary service

Blanca Telephone regrets Verizon's various failures and stands ready to provide whatever information the FCC might need to assess Verizon's reprehensible actions in this matter. Please note that I am including the FCC's General Counsel on this email because your situation appears to provide additional information regarding Verizon's actions including its illegal sign up of subscribers outside of its own cellular market and within Blanca's cellular market. Verizon representatives are also being copied.

Please do not hesitate to contact me if you would like any additional information.

Sincerely,

Timothy E. Welch
Hill & Welch
1025 Connecticut Ave., NW #1000
Washington, D.C. 20036
202-321-1448 (cell)
301-622-2864 (fax)



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: March 31, 2018
Estimated time per response: 10-55
hours

Annual Collection of Information

Related to the Collection and Use of 911 and E911 Fees by States and Other Jurisdictions

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

A. Filing Information

1. Name of State or Jurisdiction

State or Jurisdiction
Colorado

2. Name, Title and Organization of Individual Filing Report

Name	Title	Organization
Daryl Branson	Sr. 911 Telecom Analyst	Colorado Public Utilities Commission



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Washington, D.C. 20554

B. Overview of State or Jurisdiction 911 System

- 1. Please provide the total number of active Public Safety Answering Points (PSAPs) in your state or jurisdiction that receive funding derived from the collection of 911/E911 fees during the annual period ending December 31, 2015:**

PSAP Type ¹	Total
Primary	91
Secondary	8
Total	99

- 2. Please provide the total number of active telecommunicators² in your state or jurisdiction that were funded through the collection of 911 and E911 fees during the annual period ending December 31, 2015:**

Number of Active Telecommunicators	Total
Full-Time	481 (extrapolated based on partial survey responses from local 911 Authorities)
Part-time	11 (extrapolated based on partial survey responses from local 911 Authorities)

¹ A Primary PSAP is one to which 911 calls are routed directly from the 911 Control office. A secondary PSAP is one to which 911 calls are transferred from a Primary PSAP. See National Emergency Number Association, Master Glossary of 9-1-1 Terminology (*Master Glossary*), July 29, 2014, at 118, 126, available at https://c.ymcdn.com/sites/www.nena.org/resource/resmgr/Standards/NENA-ADM-000.18-2014_2014072.pdf.

² A telecommunicator, also known as a call taker or a dispatcher, is a person employed by a PSAP who is qualified to answer incoming emergency telephone calls and/or who provides for the appropriate emergency response either directly or through communication with the appropriate PSAP. See *Master Glossary* at 137.



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3. For the annual period ending December 31, 2015, please provide an estimate of the total cost to provide 911/E911 service in your state or jurisdiction.

Amount (\$)	\$102,256,610 (extrapolated based on partial survey responses from local 911 Authorities). We believe this number is an under-estimate due to some 911 Authorities reporting only the portion of costs paid for by 911 surcharge revenues, not total costs.
------------------------	---

- 3a. If an amount cannot be provided, please explain why.

N/A

4. Please provide the total number of 911 calls your state or jurisdiction received during the period January 1, 2015 to December 31, 2015.

Type of Service	Total 911 Calls
Wireline	475,394
Wireless	5,895,735
VoIP	171,642
Other	Text-to-911 not tracked
Total	6,542,771



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C. Description of Authority Enabling Establishment of 911/E911 Funding Mechanisms

- 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)? *Check one.***

- Yes ☒
- No ☐

1a. If YES, provide a citation to the legal authority for such a mechanism.

CRS § 29-11-102 and 102.5

1b. If YES, during the annual period January 1, 2015 to December 31, 2015, did your state or jurisdiction amend, enlarge, or in any way alter the funding mechanism.

No.

- 2. Which of the following best describes the type of authority arrangement for the collection of 911/E911 fees? *Check one.***

- The State collects the fees ☐
- A Local Authority collects the fees ☐
- A hybrid approach where two or more governing bodies
(e.g., state and local authority) collect the fees ☒



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3. Describe how the funds collected are made available to localities.

Surcharge funds derived from landlines, contract wireless, and VoIP lines are remitted directly to local 911 Authorities by the carriers. Prepaid surcharge fees are assessed at point-of-sale on the purchase of wireless minutes and remitted to the Colorado Department of Revenue. Those funds are distributed to local governments using a formula based on wireless call volume as a percentage of total wireless calls received in the state.



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D. Description of State or Jurisdictional Authority That Determines How 911/E911 Fees are Spent

1. Indicate which entities in your state have the authority to approve the expenditure of funds collected for 911 or E911 purposes.		
Jurisdiction	Authority to Approve Expenditure of Funds (Check one)	
	Yes	No
State	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local (e.g., county, city, municipality)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1b. Please briefly describe any limitations on the approval authority per jurisdiction (e.g., limited to fees collected by the entity, limited to wireline or wireless service, etc.)		
Local governing bodies may expend all collected 911 surcharge fees for any of the purposes outlined in CRS § 29-11-104.		

2. Has your state established a funding mechanism that mandates *how* collected funds can be used? Check one.

- Yes ☒
- No ☐

2a. If you checked YES, provide a legal citation to the funding mechanism of any such criteria.

CRS § 29-11-104

2b. If you checked NO, describe how your state or jurisdiction decides how collected funds can be used.

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Washington, D.C. 20554

E. Description of Uses of Collected 911/E911 Fees

- 1. Provide a statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.**

A comprehensive list cannot be provided by the state, as spending authority rests in the hands of 58 separate local 911 Authorities, and each may spend funds as they see fit within the authority of CRS § 29-11-104.



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2. Please identify the allowed uses of the collected funds. <i>Check all that apply.</i>			
Type of Cost		Yes	No
Operating Costs	Lease, purchase, maintenance of customer premises equipment (CPE) (hardware and software)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lease, purchase, maintenance of computer aided dispatch (CAD) equipment (hardware and software)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lease, purchase, maintenance of building/facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Personnel Costs	Telecommunicators' Salaries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Training of Telecommunicators	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Costs	Program Administration	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Travel Expenses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dispatch Costs	Reimbursement to other law enforcement entities providing dispatch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lease, purchase, maintenance of Radio Dispatch Networks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant Programs		<input type="checkbox"/> If YES, see 2a.	<input checked="" type="checkbox"/>
2a. During the annual period ending December 31, 2015, describe the grants that your state paid for through the use of collected 911/E911 fees and the purpose of the grant.			
N/A			



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Washington, D.C. 20554

F. Description of 911/E911 Fees Collected

1. Please describe the amount of the fees or charges imposed for the implementation and support of 911 and E911 services. Please distinguish between state and local fees for each service type.		
Service Type	Fee/Charge Imposed	Jurisdiction Receiving Remittance (e.g., state, county, local authority, or a combination)
Wireline	43¢ to \$1.75	Local authority
Wireless	43¢ to \$1.75	Local authority
Prepaid Wireless	1.4% of retail sales of minutes	State
Voice Over Internet Protocol (VoIP)	43¢ to \$1.75	Local authority
Other		



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Washington, D.C. 20554

2. For the annual period ending December 31, 2015, please report the total amount collected pursuant to the assessed fees or charges described in Question F 1.

Service Type	Total Amount Collected (\$)
Wireline	\$11,217,995 (extrapolated based on partial survey responses from local 911 Authorities) *Updated figures for 2015 are unavailable. This figure is carried forward from the 2015 NET 911 Act Report, reporting 2014 collection data.
Wireless	\$32,949,356 (extrapolated based on partial survey responses from local 911 Authorities) *Updated figures for 2015 are unavailable. This figure is carried forward from the 2015 NET 911 Act Report, reporting 2014 collection data.
Prepaid Wireless	\$3,070,289
Voice Over Internet Protocol (VoIP)	\$5,495,091 (extrapolated based on partial survey responses from local 911 Authorities) *Updated figures for 2015 are unavailable. This figure is carried forward from the 2015 NET 911 Act Report, reporting 2014 collection data.
Other	
Total	\$52,732,731

2a. If an amount cannot be provided, please explain why.

N/A



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Washington, D.C. 20554

3. Please identify any other sources of 911/E911 funding.

Generally, any portion of 911 service not funded by 911 surcharges is paid for by local governments participating in the operation of a public safety answering point. Grants may also be received for certain 911-related projects, though this is relatively rare.

Question	Yes	No
4. For the annual period ending December 31, 2015, were any 911/E911 fees that were collected by your state or jurisdiction combined with any federal, state or local funds, grants, special collections, or general budget appropriations that were designated to support 911/E911/NG911 services? <i>Check one.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4a. If YES, please describe the federal, state or local funds and amounts that were combined with 911/E911 fees.		
<p>911 surcharge funds are combined with local funds regularly across the state to fund the provision of 911 service. 911 surcharge funds are generally not sufficient to fully fund 911 services, and the difference is made up by city and county governments.</p>		



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Washington, D.C. 20554

5. Please provide an estimate of the proportional contribution from each funding source towards the total cost to support 911 in your state or jurisdiction.	Percent
State 911 Fees	3.0%
Local 911 Fees	48.6%
General Fund - State	0%
General Fund - County	48.4% (county and municipal)
Federal Grants	Unknown. Local 911 Authorities are not required to report if and when they receive a grant that benefits, in whole or in part, 911 service.
State Grants	Unknown. Local 911 Authorities are not required to report if and when they receive a grant that benefits, in whole or in part 911 service.



Federal Communications Commission
Washington, D.C. 20554

G. Description of Diversion or Transfer of 911/E911 Fees for Other Uses

Question		Yes	No
1. In the annual period ending December 31, 2015, were funds collected for 911 or E911 purposes in your state or jurisdiction made available or used solely for the purposes designated by the funding mechanism? <i>Check one.</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
1a. If NO, please identify what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including any funds transferred, loaned, or otherwise used for the state's general fund. Along with identifying the amount, please include a statement identifying the non-related purposes for which the collected 911 or E911 funds were made available or used.			
Amount of Funds (\$)	Identify the non-related purpose(s) for which the 911/E911 funds were used. <i>(Add lines as necessary)</i>		
	NOTE: To the best of the state's knowledge, no 911 surcharge funds were spent for purposes other than those allowed by statute.		



Federal Communications Commission
Washington, D.C. 20554

H. Oversight and Auditing of Collection and Use of 911/E911 Fees

Question	Yes	No
1. Has your state established any oversight or auditing mechanisms or procedures to determine whether collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911? Check one.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1a. If YES, provide a description of the mechanisms or procedures and any enforcement or other corrective actions undertaken in connection with such auditing authority, for the annual period ending December 31, 2015. (Enter "None" if no actions were taken.)		
<p>Local 911 Authorities are subject to audit requirements covering all local governments, per CRS § 29-1-601 <i>et seq.</i> Additionally, each local 911 Authority must include a description of their use of funds collected in their audit, and a copy of each audit report must be made available on the governing body's website if it has one, per CRS § 29-11-104 (5).</p> <p>No enforcement or corrective action has been required or undertaken.</p>		

Question	Yes	No
2. Does your state have the authority to audit service providers to ensure that the amount of 911/E911 fees collected from subscribers matches the service provider's number of subscribers? Check one.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2a. If YES, provide a description of any auditing or enforcement or other corrective actions undertaken in connection with such auditing authority, for the annual period ending December 31, 2015. (Enter "None" if no actions were taken.)		
<p>The local governing body may, at its own expense, require an annual audit of the service supplier's books and records concerning the collection and remittance of the 911 surcharge funds (CRS § 29-11-103 (3) b).</p> <p>The state is not aware of any such audits being required by a local governing body in 2015.</p>		



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Washington, D.C. 20554

I. Description of Next Generation 911 Services and Expenditures

Question	Yes	No
1. Does your state or jurisdiction classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes? Check one.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1a. If YES, in the space below, please cite any specific legal authority:		
<p>NG9-1-1 is not specifically cited as an authorized expense, but CRS § 29-11-204 (2) (a) (I) (A) authorized expenditures of 911 surcharge funds for “costs of equipment directly related to the receipt and routing of emergency calls and installation thereof.” Furthermore, CRS § 29-11-104 (2) (a) (I) (E) authorizes expenditure on “Other costs directly related to the continued operation of the emergency telephone service and the emergency notification service.” These authorizations being technology-neutral, expenditure of 911 surcharge funds on NG9-1-1 products and services are allowed.</p>		

Question	Yes	No
2. In the annual period ending December 31, 2015, has your state or jurisdiction expended funds on Next Generation 911 programs? Check one.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2a. If YES, in the space below, please enter the dollar amount that has been expended.		
Amount (\$)	\$4,083,718 (as reported by local governing bodies)	



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3. For the annual period ending December 31, 2015, please describe the type and number of NG911 Emergency Service IP Network(s) (ESInets) that operated within your state.					
Type of ESInet	Yes	No	If Yes, Enter Total PSAPs Operating on the ESInet	If Yes, does the type of ESInet interconnect with other state, regional or local ESInets?	
				Yes	No
a. A single, state-wide ESInet	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b. Local (e.g., county) ESInet	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Regional ESInets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	[If more than one Regional ESInet is in operation, in the space below, provide the total PSAPs operating on each ESInet]	<input type="checkbox"/>	<input type="checkbox"/>
Name of Regional ESInet:				<input type="checkbox"/>	<input type="checkbox"/>
Name of Regional ESInet:				<input type="checkbox"/>	<input type="checkbox"/>



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4. Please provide a description of any NG911 projects completed or underway during the annual period ending December 31, 2015.

The City of Aurora, Colorado, is installing fiber optic cable for the purpose of preparing for NG911 services. Other local governments may be undertaking NG911 related projects, but did not report them.

Question	Total PSAPs Accepting Texts
5. During the annual period ending December 31, 2015, how many PSAPs within your state implemented text-to-911 and are accepting texts?	43
Question	Estimated Number of PSAPs that will Become Text Capable
6. In the next annual period ending December 31, 2016, how many PSAPs do you anticipate will become text capable?	Unknown.



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J. Description of Cybersecurity Expenditures

Question	Check the appropriate box		If Yes, Amount Expended (\$)
1. During the annual period ending December 31, 2015, did your state expend funds on cybersecurity programs for PSAPs?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Question	Total PSAPs
2. During the annual period ending December 31, 2015, how many PSAPs in your state either implemented a cybersecurity program or participated in a regional or state-run cybersecurity program?	32 PSAPs have reported implementing a cybersecurity program. It is unknown how many of those were implemented in 2015.

Question	Yes	No	Unknown
3. Does your state or jurisdiction adhere to the National Institute of Standards and Technology <i>Framework for Improving Critical Infrastructure Cybersecurity</i> (February 2014) for networks supporting one or more PSAPs in your state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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K. Measuring Effective Utilization of 911/E911 Fees

- 1. Please provide an assessment of the effects achieved from the expenditure of state 911/E911 or NG911 funds, including any criteria your state or jurisdiction uses to measure the effectiveness of the use of 911/E911 fees and charges. If your state conducts annual or other periodic assessments, please provide an electronic copy (*e.g.*, Word, PDF) of the latest such report upon submission of this questionnaire to the FCC or provide links to online versions of such reports in the space below.**

A copy of the Report on the State of 911 Services in Colorado, 2015, a joint effort of the Colorado 9-1-1 Resource Center and Colorado Public Utilities Commission staff, will be submitted with this report.

CERTIFICATION

I hereby certify under penalty of perjury that I have reviewed the foregoing *Requests for Extensions of Time or Alternatively Requests for Temporary Rule Waivers*, that I have personal knowledge of the facts stated therein, and that the information contained therein is true and accurate to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read 'Alan Wehe', written over a horizontal line.

Alan Wehe, President
Blanca Telephone Company

May 31, 2017

CERTIFICATE OF SERVICE

I, Timothy E. Welch, hereby certify that on June 2, 2017 I filed the foregoing *Requests for Extensions of Time or Alternatively Requests for Temporary Rule Waivers* with the Commission's Secretary via the ECFS and that I emailed a copy of the pleading to the following:

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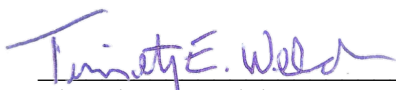
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Timothy E. Welch